

SECTION 8: FOOD SERVICE

8.10: All food service establishments shall comply with 105 CMR 590.000, State Sanitary Code Chapter X- Minimum Sanitary Standards for Food Establishments Article X of the State Sanitary Code. [July 1, 2009]

8.20: Temporary Food Establishment Guidance for Operators .A temporary food establishment is defined in the 1999 Food Code (FC) as a food establishment that operates for a period of no more than 14 consecutive days in conjunction with a single event or celebration. Temporary food establishments (TFE) are permitted and inspected by the Board of Health in accordance with Massachusetts Regulations 105 CMR 590.000 Minimum Sanitation Standards for Food Establishments-Chapter X.

Temporary food establishments (TFE) present special challenges since they may operate either indoors or outdoors and often have limited physical and sanitary facilities available. Menus, physical facility and equipment design, storage and preparation space, refrigeration and hot holding units, hand washing facilities, food supply sources and food handling procedures must be carefully reviewed by the Board of Health prior to the issuance of a permit.

The goal and responsibility of the Marion Board of Health is to make sure event coordinators and TFE operators are aware of their responsibilities and are operating in compliance with state regulations. The materials in this packet are designed to facilitate the application approval process and to provide event coordinators and TFE operators with food safety requirements, necessary to prevent a food-borne outbreak. [July 1, 2009]

This packet includes:

- Cover letter
- Coordinator's Checklist- to be submitted to the Health Office 30 days before the event.
- Temporary Food Permit Application- to be submitted to the Health Office 14 days before the event.
- "Are You Ready?" Checklist
- Food Safety at temporary events pamphlet

EXEMPT OR NOT?

Certain organizations may presume that they are exempt from 105 CMR 590.000 Minimum Sanitation Standards for Food Establishments because of their non-profit status. Non-profits organizations are not exempt from state regulations except for bake sales offering only nonperishable foods (no refrigeration required). Non-profit organizations are **exempt from the permit fee only if they distribute the food for free or at cost.**

Proof of non-profit status is required. Fundraisers are not exempt from the permit fee.

An event that is advertised with fliers, banners, newspaper articles, radio or TV announcements, or by other means, is considered a public event and is subject to 105 CMR 590.000 Minimum Sanitation Standards for Food Establishments. Private events **for members only**, that are not advertised, are not considered public events by the

Marion Board of Health and therefore do not have to comply with 105 CMR 590.000 Minimum Standards for Food Establishments.

Roadside stands and farmers market which sell only fresh produce are exempt from 105 CMR 590.000 Minimum Sanitation Standards for Establishments. [July 1, 2009]

MENU CONSIDERATIONS

Food preparation in TFE operations can pose significant hazards due to limited physical facilities and equipment. The lack of proper storage and preparation space, inadequate hand washing facilities and the lack of a hot/cold potable water supply are factors which may contribute to cross-contamination, inadequate holding temperatures and the contamination of food by infected food handlers. Each menu must be carefully evaluated in relation to the proposed physical settings for the preparation and service of food.

Food preparation procedures have been divided into 3 categories of Risk: High, Medium, and Low.

High Risk Procedures:

- Preparation (weighing, measuring, mixing, portioning) Potentially Hazardous Foods* (**PHF**).
- Cooking PHFs then cooling, reheating, thawing, and cold or hot holding for later cooking.

High risk procedures must be conducted in a permitted food establishment kitchen. This is required since the operator needs to have adequate, easily cleanable food contact surface, hand washing facilities with a hot water supply, the ability to wash, rinse and sanitize utensils once they are used, the ability to quickly refrigerate prepared ingredients after handling and access to equipment to maintain proper hot or cold holding temperatures. High risk procedures cannot be conducted in a residential kitchen or on site at the event.

If cold or hot potentially hazardous foods will be transported, adequate hot or cold holding equipment may be necessary depending on the time in transit to ensure that they will be maintained at proper temperatures. All food must be kept covered and protected from contamination during transportation.

Approval requires the supervision of a Certified Food Protection Manager who is responsible for monitoring safe food handling practices and initiating corrective action to ensure compliance with 105 CMR 590.000 Minimum Sanitation Standards for Food Establishments.

Medium Risk Procedures:

- Cold holding and serving PHFs, at the event, which have been prepared in a permitted food establishment kitchen.
- Hot holding and serving PHFs, at the event, which have been prepared in a permitted food establishment kitchen.
- Cook-serve PHFs with no or minimal holding time such as commercially prepared meat, poultry, seafood, vegetables.

Medium risk procedures will be allowed only if the operator has suitable units to properly heat and hold hot food and/or proper cold holding equipment adequate for the proposed volume, and hand wash facility, gloves, thermometer, spare serving utensils and/or a temporary ware washing facility with wash, rinse and sanitize capabilities.

If a permanent hand wash facility is not available, an alternative hand wash station may be used. An alternative hand wash station is comprised of a large insulated urn (2 gallons minimum) full of warm water, a soap dispenser, a roll of paper towels and a bucket to collect wastewater may be sufficient. A hand wash facility will not be required if no exposed foods are being offered. No bare hand contact is allowed.

Ware-washing facilities must include 3-compartment sink or 3 basins large enough for complete immersion of utensils and be supplied with adequate hot water. Disposable single-service utensils for use by the consumer must be used if adequate ware washing facilities are not available. If cold or hot potentially hazardous foods will be transported, adequate hot or cold holding equipment may be necessary depending on the time in transit to ensure that they will be maintained at proper temperatures. All food must be kept covered and protected from contamination during transportation.

At the discretion of the Health Agent, PHFs may be stored in effectively insulated containers using a coolant to maintain temperatures below 45° F at events of short duration. With all other foods and/or at events of long duration, mechanical refrigeration should be provided. All refrigeration units must have a numerically scaled thermometer to accurately measure the air temperature of the unit. Ice Cream may be stored on dry ice.

A metal stem thermometer must be provided where necessary to check the internal temperatures of hot and cold foods. Thermometers must be accurate to +2° F.

PHFs which are reheated for hot holding shall be discarded if not used/sold by the end of the day.

Approval requires the supervision of a Certified Food Protection Manager who is responsible for monitoring safe food handling practices and initiating corrective action to ensure compliance with 105 CMR 590.000 Minimum Sanitation Standards for Food Establishments.

Low Risk Procedures:

- Service of non-PHF's such as bottled water/soda, coffee, nonperishable baked goods, fresh fruit, candy, commercially packaged snacks, ice cream, hot dogs, frozen preformed hamburgers and condiments.
- The operator must have an alternative hand wash station if exposed foods are offered. Chemically treated towelettes may be used in lieu of a hand washing facility if only hotdogs and non-PHF's are being served. (Gloves, spare serving utensils and/or temporary ware washing facilities with wash, rinse and sanitized capabilities.) Disposable single-service utensils for use by the consumer must be used if adequate ware-washing facilities are not available. No bare hand contact is allowed.
- **Approval does not require** the supervision of a Certified Food Protection Manager.

- A. **“Potentially Hazardous Food*”**, as defined in the 1999 Food Code, means a food that is natural or synthetic and that requires temperature control because it is in a form capable of supporting:
- (i) The rapid and progressive growth of infectious or toxigenic microorganisms;
 - (ii) The growth and toxin production of *Clostridium Botulinum*; or
 - (iii) In raw shell eggs, the growth of *Salmonella Enteritidis*.
- B. **“Potentially Hazardous Food”** includes an animal food (a food of animal origin) that is raw or heat-treated; a food of plant origin that is heat-treated or consists of raw seed sprouts; cut melons; and garlic-in-oil mixtures that are not modified in a way that results in mixtures that do not support growth as specified under Subparagraph (A) of this definition.
- C. **“Potentially Hazardous Food”** does not include:
- (i) An air cooled hard-boiled egg with shell intact;
 - (ii) A food with an a_w value of 0.85 or less;
 - (iii) A food with a pH level of 4.6 or below when measured at 75° F.
 - (iv) A food, in an unopened hermetically sealed container, that is commercially processed to achieve and maintain commercial sterility under conditions of non-refrigerated storage and distribution; and
 - (v) A food for which laboratory evidence demonstrates that the rapid and progressive growth of infectious or toxigenic microorganisms or the growth of *S. Enteritidis* in eggs or *C. Botulinum* can not occur, such as a food that has an a_w and the pH that are above the levels of specified under subparagraphs c (ii) and (iii) of this definition and may contain a preservative, other barrier to the growth of microorganisms, or a combination of barriers that inhibit the growth of microorganisms.
 - (vi) A food that does not support the growth of microorganisms as specified under Subparagraph (A) of this definition even though the food may contain an infectious or toxigenic microorganism or chemical or physical contaminant at a level sufficient to cause illness. [July 1, 2009]

8.30: Application Procedures for Opening a Food Service Establishment

What steps should I take to obtain my permits for a food service establishment?

1. Planning Board - A permit from the Planning Board may be necessary to operate your new establishment. To find out what the Planning Board requires, please contact Debbie Paiva, Planning Secretary. Her office is located within the Board of Health office. The Planning Office's phone number is (508) 748-3517.
2. Building Department - Your new establishment may need Building Permits, Electrical Permits, and Plumbing Permits. Richard Marx, Building Commissioner, can help you with the Building Department requirements. The Building Department's phone number is (508) 748-3555.
3. Attached Permit Applications - Please fill out the application and return it along with the appropriate fee.
4. Floor Plans - Shall be submitted for review. These plans shall include a detailed layout of the establishment, including all equipment specifications, floor, wall and ceiling construction, storage and bathroom facilities. A handout entitled, *Highlight of 105 CMR 590.000, Minimum Standards for Food Establishments*, can help you with requirements for construction of commercial kitchens.
5. Plans shall be reviewed within a reasonable time frame. If additional information is necessary, the applicant will be notified.
6. Upon approval of the floor plan, the Board of Health shall conduct frequent inspections during the construction phase of the project. When renovations have been completed and the establishment is compliant with all of the construction requirements, then permits shall be granted for the establishment to open.
7. If you are interested in more detailed information about *105 CMR 590.000 Minimum Standards for Food Establishments, Retail Food Requirements*, please reference this material on the Town's website, www.townofmarion.gov. (Please click on Town Departments, then Board of Health. On the Board of Health web page, click on Food Related Links to Mass Health Topic Index.- Click on Food Protection, then go to Regulations). [July 1, 2009]